C. 482 No. 260 of 2003

Hon'ble Irshad Hussain, J.

Heard Sri Navneet Kaushik learned counsel for the applicant and learned A.G.A.

This is a petition under section 482 of the Code of Criminal procedure against the impugned order dated 7.10.2003 passed by Sessions Judge Haridwar.

Vehicle- Vikram U.P. 10-A 1093 was seized for and in connection with an offence under the provisions of the Excise Act. The confiscation proceedings of the vehicle under section 72 of the Excise Act are pending before the District Magistrate, Haridwar. The petitioner moved a petition before the C.J.M. Haridwar for release of the vehicle which was dismissed. Aggrieved, the petitioner filed revision before the learned Sessions Judge which was dismissed by the impugned order on the ground that the confiscation proceedings of the vehicle under section 72 of the Excise Act are pending before the District magistrate Haridwar therefore the revision is not maintainable. The order so passed is just and proper and no interference in the same is warranted.

However considering the fact that the vehicle was seized on 15-9-2003, it is directed that the District magistrate, Haridwar shall expedite the proceedings after giving an opportunity to the petitioner and dispose of the matter preferably within a period of one month from the date of receipt of the copy of this order.

With this direction the petition is disposed of finally.

Dated: 29.10.2003
ISB

(Irshad Hussain, J.)